

**Tennessee Board of Architectural and Engineering Examiners
Board Meeting
Davy Crockett Tower
Nashville, Tennessee**

March 22, 2007

Board Members Present

Sharon Byrd, Public Member
Bob Campbell, Professional Engineer
Philip Lim, Professional Engineer
John Love, Registered Landscape Architect
Dana Miller, Registered Interior Designer
David Schuermann, Registered Architect
Richard Thompson, Registered Architect

Board Members Absent

James Hastings, Registered Architect
William Stockard, Professional Engineer

Associate Board Members Present

Carlton Norris, Professional Engineer

Associate Board Members Absent

Dennis Henderson, Professional Engineer
Raymond White, Professional Engineer

Staff Present

Christy Allen, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager
Wanda Garner, Administrative Assistant

Guests

Connie Wallace, American Institute of Architects Tennessee (AIA TN)
Candy Toler, Tennessee Society of Professional Engineers/American Council of
Engineering Companies of Tennessee (TSPE/ACEC-TN)

CALL TO ORDER

Mr. Love, chair, called the meeting to order at 9:00 a.m. Roll call determined that a quorum was present.

Mr. Lim, seconded by Mr. Thompson, moved to accept the agenda as presented. The motion passed unanimously.

Announcements

Mr. Cothron announced that Wanda Phillips was promoted to Administrative Manager, effective February 1, 2007.

CONSENT AGENDA

Approval of Minutes (attached)

Mr. Thompson, seconded by Ms. Byrd, moved to accept the minutes of the January 25, 2007 meeting as written. The motion passed unanimously.

Staff Complaint Report (attached)

Mr. Thompson, seconded by Mr. Schuermann, moved to accept the recommendations presented in the Complaints for Board Decision. Because Ms. Allen had not received confirmation that Walter L. Anderson had met the terms of the Final Order, she asked that he be deleted from the list. This being done, the motion passed unanimously.

DIRECTOR'S REPORT

Financial Report (attached)

Mr. Schuermann, seconded by Ms. Byrd, moved to approve the financial report submitted by Mr. Lim.

Mr. Cothron reported that

- All grant contracts have been approved, and the grant funds have been distributed;
- The budget improvement request to increase the grant appropriation from \$175,000 to \$200,000 has been approved;
- He has requested that landscape architectural programs be included in the grant appropriation bill language;
- About 15-20% of registrants are currently choosing to renew online; and
- Rulemaking hearing rules will become effective May 23, 2007.

OLD BUSINESS

Law and Rules Exams (attached)

Mr. Lim, seconded by Mr. Campbell, moved to adopt the revised versions of examination reviews of state law and rules for architects, landscape architects, and interior designers. The motion passed unanimously.

Delineation of Engineering and Surveying Policy

Mr. Lim, seconded by Mr. Schuermann, moved that Mr. Cothron write a letter to the members of the Land Surveyors Board asking that they allow the members of the Architectural and Engineering Board to review any policy they create before it is adopted by the Land Surveyors Board. The motion passed unanimously.

NEW BUSINESS

Correspondence from Frank Smickle —Sign Design (attached)

Mr. Thompson, seconded by Mr. Lim, moved to refer Mr. Smickle to a letter previously sent to Greg Thomas, Director of Community Development for the City of Cleveland, regarding what signs require a permit. Additionally, advise him that the Board's law does not specifically govern "signs." To the extent that sign design constitutes the practice of architecture or engineering and the work is not within the exemptions listed in the law, then a registrant of the Board would be required to prepare plans and specifications. Regardless, a building official has the discretion to require the services of a registered architect, engineer, or landscape architect whenever the official deems the same appropriate. Copy Greg Thomas. The motion passed unanimously.

E-Mail from Donald Dahlinger, PE—retirement status (attached)

Mr. Campbell, seconded by Mr. Lim, moved to respond that the Board thinks its rule setting the retirement age at 62 is an appropriate one. The motion passed unanimously.

Civil Penalty Schedule (attached)

The schedule of civil penalties was submitted for informational purposes only.

Approval of entities to evaluate non-accredited engineering degrees

Mr. Lim, seconded by Mr. Campbell, moved that foreign engineering degrees that are non-ABET (Accreditation Board for Engineering and Technology) accredited are to be referred to the National Council of Examiners for Engineering and Surveying (NCEES) to be evaluated for equivalency to an ABET-accredited engineering program, with the understanding that the Board will not be able to take action on applications with NCEES evaluations until new rules become effective on May 23, 2007. Domestic engineering degrees that are non-ABET accredited will continue to be evaluated for equivalency to an ABET-accredited engineering program by Dr. John Smith. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

Connie Wallace, AIA TN, reported that

- AIA opposes the State Fire Marshal's proposal to adopt the Uniform Fire Code;
- Architects, engineers, contractors, building officials, and the Tennessee Emergency Management Agency (TEMA) are working together on a disaster preparedness plan, a project celebrating the 150th anniversary of AIA; and
- As part of the disaster preparedness plan, TEMA is proposing an eight-hour course, prepared by the Federal Emergency Management Agency (FEMA), to train 500 people, ideally, architects, engineers, landscape architects, interior designers, contractors, and building officials;
- She will contact the Board's Continuing Education Committee to discuss whether TEMA's course would qualify as health, safety and welfare hours; and
- Architects' Day on the Hill is April 25, 2007, followed by a reception and auction at the Parthenon.

Candy Toler, TSPE/ACEC-TN, reported that seventy engineers talked to legislators on "Engineers' Day on the Hill" and that TSPE is interested in several bills being considered, especially one regarding engineer licensure.

Ms. Toler announced that the TSPE/ACEC-TN Annual Meeting will be held on June 7-8, 2007, and that Ms. Allen is one of the presenters.

LEGISLATIVE UPDATE (2007 pending legislation of interest to the Board are attached)

Senate Bill 55/ House Bill 1276

Mr. Campbell, seconded by Ms. Miller, moved to oppose this bill, which, if enacted, would require the Board to review its rules to ensure the rules have minimum negative impact on small businesses. The motion passed unanimously.

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Senate Bill 210/House Bill 84 —

Mr. Cothron and Ms. Allen reported that this bill, the “Tennessee Interior Design Consumer Protection Act,” had moved out of the House Government Operations Committee with a negative recommendation.

Senate Bill 354/House Bill 800 —

This bill, if enacted, would consider a person as having met the educational requirement to sit for the Principles and Practice of Engineering exam if the applicant has a master’s degree in engineering (even if the undergraduate degree is not engineering). Mr. Campbell, seconded by Mr. Lim, moved to oppose this bill as written. The motion passed unanimously.

By consensus, the Board requested that the bill be amended by adding the requirement to take and pass the Fundamentals of Engineering Exam.

Senate Bill 531/House Bill 331 —

This bill, if enacted, would exempt registrants of the Board from home inspector licensure requirements. The Board took no position.

Senate Bill 534/House Bill 332 —

This bill, if enacted, would exempt professional engineers and certified engineer interns from subsurface sewage disposal system bonding requirements. The Board took no position on this bill.

Senate Bill 763/House Bill 1774 —

This bill is similar to Senate Bill 354/House Bill 800; one concerns having a master’s degree in engineering and one concerns having a master’s or doctoral degree in engineering. The Board requested the same amendment as for Senate Bill 354/House Bill 800.

Senate Bill 1417/House Bill 1366 —

Mr. Lim, seconded by Ms. Miller, moved to oppose this bill, which would require registrants of the Board to obtain CPR training. The motion passed unanimously.

Senate Bill 1471/House Bill 1289 —

This bill, if enacted, would restrict use of the title “engineer” and exempt locomotive engineers. The Board took no position.

Senate Bill/2196/House Bill 2253 —

This bill, if enacted, would authorize TDOT to award design-build contracts. The Board took no position.

Senate Bill/2238/House Bill 2319 —

This bill, if enacted, would update references to outdated codes. The Board took no position.

Break: 10:30- 10:45 a.m.

LEGAL CASE REPORT

Complaints for Board Disposition

1. *Case #L07-AEL-RBS-2007048311* *Complaint #200704831*
Because he has knowledge concerning this case, Mr. Schuermann recused himself. Mr. Campbell, seconded by Ms. Byrd, moved to close the case and refer it to the Mississippi Board. The motion was passed by the remaining Board members.
2. *Case #L06-AEL-RBS-2006002821* *Complaint #200600282*
Mr. Schuermann, seconded by Mr. Campbell, moved to close the case with a Letter of Instruction. The motion passed unanimously.
3. *Case #L06-AEL-RBS-2006045701* *Complaint #200604570*
Mr. Campbell, seconded by Ms. Miller, moved to close the case. The motion passed unanimously.
4. *Case #L06-AEL-RBS-2006044151* *Complaint #200604415*
The case was deferred.
5. *Case #L07-AEL-RBS-2007052861* *Complaint #200705286*
Mr. Lim, seconded by Mr. Thompson, moved to close the case with no action. The motion passed unanimously.

Ms. Miller, seconded by Mr. Thompson, moved to adjourn. The motion passed unanimously.

The meeting adjourned at 11:30 a.m.

ATTACHMENTS

Minutes of the January 25, 2007 meeting
Complaints for Board Decision
Financial Report
Law and Rules Exam for Architects
Law and Rules Exam for Registered Interior Designers
Law and Rules Exam for Landscape Architects
Correspondence for Frank Smickle (February 14, 2007)
E-Mail from Donald Dahlinger (February 14, 2007)
Civil Penalty Schedule
2007 Pending Legislation Summary
Senate Bill 55
House Bill 84
Senate Bill 354
House Bill 331
House Bill 332
Senate Bill 763
Senate Bill 1417
Senate Bill 1471
House Bill 2253
House Bill 2319
Complaints for Board Disposition